[Resignation of Sri R. K. Prasad from the membership Legislative Assembly].—Announcement.

Mr. SPEAKER.—Before I call upon anybody else to speak, I have an announcemrnt to make. I have received a letter from the Hon'ble Member Sri R. K. Prasad that he is resigning his membership of this Assembly.

Mysore Cattle Trespass Bill, 1965 as reported by the Select Committee—*Motion to consider (contd.)*

Sri ANNARAO GANAMUKHI (Afzalpur).—Sir, I have a few remarks to make in connection with this Bill. As far as the definition clause is concerned, the word 'cattle' has been so amplified as to include Elephants, Camels, Pigs and Asses besides other animals. In our experience, so far I think, no elephant or camel has been impounded in any of the Pounds. We are too far in visualizing that elephants and camels will be left free and that they will do some damage, because every camel will have one or two persons with it to protect it. Elephants are mainly found in jungles. Therefore, it would be a far-fetched idea to amplify this definition of cattle so as to include so many animals. As far as asses are concerned, I should say, they are never kept in the house. If at all they are found, they are found somewhere else.

Mr. SPEAKER.—I did not follow the idea.

Sri ANNARAO GANAMUKHI.—The keepers of asses never keep them in their house. They are found somewhere else.

Mr. SPEAKER.—I very much appreciate the great import of the remark that asses are not kept in the house; asses are outside on the road.

Sri ANNARAO GANAMUKHI.—With regard to pigs, if anybody is given the power to detain them then our whole sense of the measure will go to dogs; because in bigger smaller towns we never know who the owner is. He may come after three or four months to catch them. In my experience, nobody has brought these pigs to the Pounds.

Mr. SPEAKER.—One of the canons of drafting is, if it is redundant it does not matter, but never omit.

Sri ANNARAO GANAMUKHI.—If redundant things are brought in, in the legislation, then of course, we have nothing to do. We are concerned with practical things which are useful in life. Pigs do damage, but they are the pigs which are not kept by anybody. They are stray. Nobody will bring them to the Pound.

Mr. SPEAKER.—Pigs are never orphans. They breed plentifully.

Sri ANNARAO GANAMUKHI.—I feel that if these four items, *viz.*, pigs, asses, elephants and camels, are omitted, this amplification would be all right.

As per clause 4, the controlling authority is the District Magistrate. There is the District Magistrate and the Pound-keeper and in between here is nobody else. The District Magistrate cannot directly administer all these things. Therefore, there is necessity for a supervisory authority at the lower level, because the District Magistrate cannot have control at the Tahsil or Taluk level. At this level, the supervisory authority can do the necessary supervision. Sub-clause (4) of Clause 6 says :—

> "The pound-keeper shall take charge of the cattle and provide them with sufficient food and water until they are disposed of in accordance with the provisions of this Act."

Another thing that strikes me is, on many occasions the milking cows are also brought to the Pounds, and the Pound-keeper is left free to take advantage of the milk and not to credit the sale proceeds. On the other hand, the Government expects him to consume the whole milk and credit only the penalty part of it. Therefore, there must be a provision that the pound-keeper should sell the milk and the proceeds should be deposited to the fund. I feel such a provision is very necessary.

Clause 7 is as follows :—

> "7. Seizure of cattle damaging land—(1) Any person authorised by the State Government in this behalf, or any member of the watch and ward staff of a village or Town panchayat, may seize or cause to be seized any cattle trespassing on any land..."

As per the category of animals included in the definition, he can seize or cause to be seized any of them. Here, I should like to make one suggestion. In many villages some bulls are left for religious purposes and they are used as breeding bulls also. For such cattle, I think, nobody should be given the power to seize them, because they are very useful. Nobody seizes them even if any amount of damage is done to the crop. In almost every village there are one or two bulls and they are called 'goolies'. It is not correct to interfere with religious sentiments. It is a very useful animal for the village.

Mr. SPEAKER.—It can be equally useful even if it does not do damage to the crops. Suppose damage is prevented, it can be useful.

Sri ANNARAO GANAMUKHI.—When no owner wants to seize them, why should Government take care to provide such a provision ?

Mr. SPEAKER.—One section of society may be like that.

Sri ANNARAO GANAMUKHI.—Every section of the society in the village never touch these bulls. It goes to every field.

Mr. SPEAKER.—It is a trivial matter.

Sri ANNARAO GANAMUKHI.—Therefore, I feel, that there must be some provision to make an exception in cases of such *Goolies*.

(SRI ANNARAO GANAMUKHI)

CLAUSE 8

Clause 8 does not include premises. Premises means House premises, land premises, etc. There should be no damage to these premises also. But there is no inclusion of premises here. I think, it is only the land owners and agriculturists who are inconvenienced and not others the word "premises" should be included here. Therefore, the word "premises" should be included.

4-00 P.M.

Mr. SPEAKER.—It is included in Clause 7. It is widely defined there. Land does include premises.

Sri ANNARAO GANAMUKHI.—The land may be a house, and all that. The land does not include premises.

Mr. SPEAKER.—This is classified under Clauses 7 and 8, as private property and public property. Clause 7 is wide enough. Clause 8 deals with public property such as roads, canals where anybody can get access.

Sri ANNARAO GANAMUKHI.—Under Clause 7 the word "premises" can be appropriately included which will serve a useful purpose, so that the category of House premiss will be protected from this.

CLAUSE 11

It deals with fines and charges for feeding. Clause 18 also deals with disposal of fines, expenses and surplus proceeds of sale.

Here also I find that there is a presumption in this Bill that the pounds are constructed and they are ready for use. I do not know who constructs the pounds and who maintains them and with what funds. I do not think there are any details about this in the Bill.

Sri C. J. MUCKANNAPPA.—The Local Authority will do it.

Sri ANNARAO GANAMUKHI.—There is no provision in the Bill like that. Unless there is a provision in the Bill, the Local Authority cannot spend. If it is so, out of what funds should they spend ? Is it out of the general fund at the cost of Government or at the cost of Local authority ? There is difference between the two. The Law Minister must go through the provisions and then see whether he can do anything about the funds. Out of the funds collected, a part can be set apart for the construction of pounds and their repairs. This lacuna can be filled in.

All funds recovered under Clause 25 may be appropriated. This will be used towards the payment of compensation for loss or damage to property. But there is no provision whatsoever for meeting the expenditure on construction of pounds. Therefore, Sir, in my opinion, these suggestions should be attended to. I think, the Bill is perfectly allright in all other respects. It needs only minor amendments.

†ಶ್ರೀ ಎ. ಮಸಿಯಪ್ಪ (ಹಿರಿಯೂರು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ತಿದ್ದುಪಡಿಗಳನ್ನು ಸೂಚಿಸಿ ಮಾನ್ಯ ಸಭೆಯ ಮುಂದೆ ತಂದಿರತಕ್ಕಂಥ ಈ ರಾಜ್ಯದ ಕ್ಯಾಟರ್ ಟ್ರೆಸ್ ಫಾಸ್ ಬಿಲ್ಲನ್ನು ನಾನು ಸ್ವಾಗತ ಮಾಡುತ್ತಾ ಇದ್ದೇನೆ. ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ಬಹಳ ಮುಖ್ಯ ವಾಗಿರತಕ್ಕ ಕೆಲವಾರು ಬದಲಾವಣೆಗಳನ್ನು ಸೂಚಿಸಿ ತಿಳಿಸಿದ್ದಾರೆ. ಸುಮಾರು 8-9 ಬದಲಾವಣೆ ಗಳನ್ನು ಅವರು ಸೂಚಿಸಿ ಮಾಡಿದ್ದಾರೆ. ಈ ಒಂದು ಕಾನೂನು ರಾಜ್ಯದಲ್ಲಿ ಬಹಳ ಅಗತ್ಯವಾಗಿತ್ತು. ಧನಗಳು ಅಥವಾ ಬೇರೆ ಪ್ರಾಣಿಗಳು ಸ್ಟೇ ಕ್ಯಾಟರ್ ಏನಿದೆ ಅವು ಮನುಷ್ಯರೇ ಸ್ವಾಕಿ, ಬೆಳೆನ್ನಿ ಅವು ಗಳಿಂದ ಅದಾಯವನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕೆನ್ನತಕ್ಕಂಥ ದೃಷ್ಟಿಯಿಂದ ಸಾಕಿದ ಪ್ರಾಣಿಗಳಾಗಿವೆ. ಅವುಗಳನ್ನು ಸಾಕಿದಂತಹ ಯಜಮಾನರುಗಳು ಅವನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ನಿಗಾವಣೆ ನೋಡಿ ಕೊಳ್ಳದೆ ಇರುವುದರಿಂದ ಮತ್ತು ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಕಸ್ಮಿಕವಾಗಿ ಅಗತಕ್ಕ ತೊಂದರೆಗಳು, ಪಕ್ಕದ ರೈತರು ಮತ್ತು ಪ್ರಯಾಣಿಕರಿಗೆ, ಪ್ರಾಹನಗಳಿಗೆ ಹೀಗೆ ಅನೇಕ ರೀತಿಯಲ್ಲಿ ಅವುಗಳು ತೊಂದರೆಯನ್ನುಂಟು ಮಾಡತಕ್ಕದ್ದನ್ನು ದೇಶದಲ್ಲಿ ನಾವು ಕಾಣುತ್ತಾ ಇದ್ದೇವೆ, ಈ ತೊಂದರೆ ಯನ್ನು ನಿವಾರಣೆ ಮಾಡುವುದು ಬಹಳ ಅವಶ್ಯಕವಾಗಿತ್ತು. ಮತ್ತು ಇವತ್ತು ಹಳ್ಳಿಗಳಲ್ಲಿ ಅನೇಕ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ನಾವು ನೋಡಿದ ಹಾಗೆ ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಲ್ಲಿರತಕ್ಕ ವ್ಯಾಜ್ಯ, ವ್ಯವಹಾರ ಗಳು ಬಹುಮಟ್ಟಿಗೆ ಈ ಧನಗಳು, ಕುರಿಗಳು, ಮೇಕೆಗಳು ಒಬ್ಬರ ಹೊಲದ್ದಿಂದ ಇನ್ನೊಬ್ಬರ ಹೊಲಕ್ಕೆ ಹೋಗಿ ಫಸಲು ಹಾಳು ಮಾಡುವುದರಿಂದ ಉಂಟಾಗತಕ್ಕದ್ದಾಗಿದೆ. ಆದ್ದರಿಂದ ಇದಕ್ಕೆ ಒಂದು ಸಮಗ್ರವಾದ ಮತ್ತು ಸಮರ್ಪಕವಾದ ಕಾನೂನನ್ನು ಮಾಡಿ ಸರಿಯಾದ ರಕ್ಷಣೆಯನ್ನು ಕೊಟ್ಟು, ವ್ಯವಸ್ಥಿತವಾದ ನಿಗಾವಣೆ ಮಾಡತಕ್ಕ ಒಂದು ಬುದ್ಧಿ ಅವುಗಳ ಮಾಲೀಕರಲ್ಲಿ ಉಂಟು ಮಾಡತಕ್ಕ ರೀತಿಯಲ್ಲಿ ಬಂದೋಬಸ್ತು ಮಾಡತಕ್ಕ ಏರ್ಪಾಡು ಅವಶ್ಯಕವಾಗಿತ್ತು.

ಈ ಮಸೂದೆಯನ್ನು ತಂದಿರುವುದು ಸೂಕ್ತವಾಗಿದೆ, ಸಕಾಲಕವಾಗಿದೆ. ಆದರೆ ಇದರಲ್ಲಿ ಇರ ತಕ್ಕಂಥ ಪ್ರತಿಯೊಂದು ಕ್ಲಾಸ್‌ನ ಬಗ್ಗೆ ಹೆಚ್ಚಿಗೆ ಮಾತನಾಡತಕ್ಕ ಅವಶ್ಯಕತೆ ಏನೂ ಇಲ್ಲ. ಕಾರಣ ಬಹಳ ಮಟ್ಟಿಗೆ ಅನೇಕ ಸದಸ್ಯರು ಈಗಾಗಲೇ ಬಿಟ್ಟು ಹೋಗಿರತಕ್ಕ ಅಂಶಗಳನ್ನು ಸೂಚನೆ ಮಾಡಿ ದ್ದಾರೆ. ಆದರೆ ಒಂದೆರಡು ಅಂಶಗಳನ್ನು ಮಾತ್ರ ನಾನು ಸಲಹೆ ಮಾಡಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಕ್ತಾಯ ಮಾಡಬೇಕೆಂದಿದ್ದೇನೆ. ಕುರಿ ಮತ್ತು ಕತ್ತೆಗಳ ಬಗ್ಗೆ ಕ್ಲಾಜ್ 15ರಲ್ಲಿ :—

"Provided that in the case of asses or sheep the claim shall be made within three days from the date of their impounding."

ಎಂದು ಹೇಳಿದ್ದಾರೆ. ನನಗೆ ಈ ವ್ಯತ್ಯಾಸವನ್ನು ಮಾಡಬೇಕಾಗಿರತಕ್ಕ ಅಗತ್ಯ ಕಂಡು ಬರಲಿಲ್ಲ. ಬೇರೆ ಪ್ರಾಣಿಗಳಿಗೆ 7 ದಿವಸ ಅವಕಾಶ ಮಾಡಿದ್ದಾರೆ. 7 ದಿವಸ ಎಂದು ಮಾಡಿರುವ ಉದ್ದೇಶ ಇಷ್ಟೆ. ಮಾಲೀಕರಿಗೆ ಸೇರಿದ ಪ್ರಾಣಿಗಳು ಎಲ್ಲಿ ಹೋಗಿವೆ, ಏನು ಎಂದು ಹುಡುಕಿ ಪತ್ತೆ ಮಾಡಲು ಮತ್ತು ಹರಾಜು ಮಾಡಲು ಇನ್ನು ಏನಾದರೂ ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿದ್ದರೆ ಅದನ್ನು ಕಂಡು ಹಿಡಿ ಯಲು ಅವಕಾಶವಾಗಲಿ ಎಂಬ ದೃಷ್ಟಿಯಿಂದ 7 ದಿವಸ ಅವಧಿಯನ್ನು ಇಟ್ಟಿದ್ದಾರೆ. ಕುರಿಗಳು ಮತ್ತು ಕತ್ತೆಗಳ ಬಗ್ಗೆ ಇದನ್ನು ಕಡಿಮೆ ಮಾಡಿರುವುದು ಸಮರ್ಪಕವಾಗಿಲ್ಲ. ಕುರಿ ಜಾಗ್ರತೆ ನಮಗೆ ಸೇರಿದ್ದು, ನಿಮಗೆ ಸೇರಿದ್ದು ಅಲ್ಲ ಎಂದು ಐಡೆಂಟಿಫೈ ಮಾಡುವುದು ಸ್ವಲ್ಪ ಕಷ್ಟ. ಆದುದ ರಿಂದ ಇವುಗಳ ಬಗ್ಗೆ ಅದೇ ರೀತಿ 7 ದಿವಸ ಅವಧಿ ಇರುವುದು ಸೂಕ್ತ ; ಎಂದು ಸಲಹೆ ಮಾಡಲು ಇಷ್ಟಪಡುತ್ತೇನೆ. ಮೇಲಾಗಿ ಪ್ರಾಣಿಗಳನ್ನು ಹರಾಜು ಹಾಕತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಧನಗಳನ್ನು ದೊಡ್ಡಿಗೆ ಸೇರಿಸಿದ ಮೇಲೆ ಪ್ರಕಟಣೆ ಮಾಡುವ ವಿಧಾನ ಒಂದು ಇದೆ. ಯಾವುದೇ ವ್ಯಾಗಿದ್ದ ಕೂಡಲೆ ದೊಡ್ಡಿಯ ಮೇಲ್ವಿಚಾರಕರು ಪಕ್ಕದಲ್ಲಿ ಪೋಲೀಸ್ ಸ್ಟೇಷನ್‌ಗೆ ತಿಳಿಸಬೇಕು ಎಂದು ಅದನ್ನು ಪೋಲೀಸ್ ಕಟ್ಟಡದಲ್ಲಿ ಸರಿಯಾಗಿ ಪ್ರಚುರಪಡಿಸಬೇಕೆಂದೂ ಗೊತ್ತು ಮಾಡಿದ್ದಾರೆ. ಇದರಿಂದ ಕೊಂದರೆ ಏನಾಗುತ್ತದೆ ಎಂದು ಮಾನ್ಯ ಸಭೆಯ ಗಮನಕ್ಕೆ ತರಲು ಇಚ್ಛೆ ಪಡುತ್ತೇನೆ. ನಮ್ಮ ತಾಲ್ಲೂಕಿನ ಅನುಭವ ಹೇಳಿದರೆ ತಪ್ಪಾಗಲಾರದು ಎಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ನಮ್ಮ ತಾಲ್ಲೂಕಿ ನಿಂದ ಚಿತ್ರದುರ್ಗ ತಾಲ್ಲೂಕಿಗೆ ಎಮ್ಮೆಗಳು ತಪ್ಪಿಸಿಕೊಂಡು ಹೋಗಿದ್ದುವು. ತಪ್ಪಿಸಿಕೊಂಡು ಹೋದ ಧನಗಳನ್ನು ದೊಡ್ಡಿಯಲ್ಲಿ ಇಟ್ಟಾಗ ಅದನ್ನು ಯಾರೂ ಕ್ಲೈಮ್ ಮಾಡಲಿಲ್ಲ. ಅವನ್ನು ಹರಾಜು ಹಾಕಿದರು. ಇಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ತಕ್ಷಣ ಮೇಲ್ವಿಚಾರಕರಿಗೆ ಇನ್‌ಫರ್ಮೇಷನ್ ಸಿಕ್ಕು ವುದು ಕಷ್ಟ. ಆ ಧನಗಳ ಮಾಲೀಕರು ಯಾವುದೋ ಕೆಲಸಕ್ಕೆ ಅಲ್ಲಿಗೆ ಹೋಗಿದ್ದಾಗ ಯಾವುದ್ದೋ ಎಮ್ಮೆ ಗಳು ಬಂದಿದ್ದವು ಹರಾಜು ಹಾಕಿದ್ದರು ಎಂಬುದನ್ನು ತಿಳಿದು ಅವನ್ನು ಪತ್ತೆ ಮಾಡಿ ಹಣ ಕೊಟ್ಟು ಅವುಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶವಾಯಿತು. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ವ್ಯಾಜ್ಯ ದಿಂದಾಗಿ ಯಾವುದೋ ಹತ್ತಿರ ಇರುವ ದೊಡ್ಡಿ ಬಿಟ್ಟು ತೊಂದರೆ ಕೊಡೋಣ ಎನ್ನುವ ಉದ್ದೇಶ ದಿಂದ ದೂರ ಇರುವ ದೊಡ್ಡಿಗಳಿಗೆ ಬಿಟ್ಟ ಧನಗಳನ್ನು, ರಾಸುಗಳನ್ನು ಅಲ್ಲಿ ಕೊಡುತ್ತಾರೆ. ಇದಕ್ಕೆ

(ಶ್ರೀ ವಿ. ಮಸಿಯಪ್ಪ)

ಅವಕಾಶವಿರಬಾರದು. ಇಂತಹ ನಂದರ್ಭದಲ್ಲಿ ಪ್ರಕಟಣೆಯನ್ನು ಒಂದೇ ಪೋಲೀಸ್ ಸ್ಟೇಷನ್‌ನಲ್ಲಿ ಮಾಡಿದರೆ ಸಾಲದು. ಪ್ರಕಟಣೆಯನ್ನು ಮಾಡುವ ವಿಧಾನಕ್ಕೆ ಹೆಚ್ಚಿನ ವ್ಯಾಪ್ತಿಯನ್ನು ಕೊಟ್ಟು ಸುತ್ತ ಮುತ್ತ ಹಳ್ಳಿಯಲ್ಲರುವ ಜನಗಳಿಗೆ ತಿಳುವಳಿಕೆ ಬರುವ ರೀತಿಯಲ್ಲಿ ಮಾಡಿದರೆ ಮಾಲೀಕರು ದನಗಳನ್ನು ಪತ್ತೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ ಮತ್ತು ಆ ರೀತಿ ಮಾಡಬೇಕೆಂದು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ. ಇಲ್ಲದೇ ಇದ್ದರೆ ರಾಸುಗಳು 40-50 ರೂಪಾಯಿಗಳಿಗೆ ಏಕ್ಯಯವಾಗಿ ಮಾಲೀಕರಿಗೆ ಲುಕ್ಸಾನು ಆಗುವ ನಂದರ್ಭ ಇರುತ್ತದೆ. ಇನ್ನು ಮಾಲೀಕರಿಗೆ ಗೊತ್ತಿಲ್ಲದೇ ಹೋದರೆ ಜನರಲ್ ನೋಟಿಫಿಕೇಷನ್ ಮಾಡುವುದು ಇದೆ, ಆದರೆ ಮಾಲೀಕರು ಯಾರು ಎಂದು ಗೊತ್ತಾದ ನಂದರ್ಭದಲ್ಲಿ ಅವರಿಗೆ ತಿಳುವಳಿಕೆ ಕೊಡತಕ್ಕದ್ದು ಸೂಕ್ತ ಎಂದು ಈ ನಂದರ್ಭದಲ್ಲಿ ಒಂದು ಸಲಹೆ ಮಾಡಲು ಇಷ್ಟಪಡುತ್ತೇನೆ.

ಅಮೇರಿಕೆ ಪೆನಾಲ್ಟಿ ಹಾಕುವಾಗ 50 ರೂಪಾಯಿ ಜುರ್ಮಾನೆ ಜೊತೆಗೆ ಬೆಳೆಗೆ ಆಗಿರುವ ನಷ್ಟವನ್ನು ವಸೂಲು ಮಾಡಬೇಕೆಂದೂ ಅಲ್ಲದೆ ಪುನಃ ದೊಡ್ಡಿಗೆ ಕೂಡಿರುವ ಪ್ರಾಣಿಯನ್ನು ಫರ್‌ಫೀಟ್ ಮಾಡಬೇಕೆಂದೂ ನಮೂದಿಸಿರುವುದು ಬಹಳ ಜಾಸ್ತಿಯಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಇದರಲ್ಲಿ ಯಾವು ದಾದರೂ ಒಂದನ್ನು ಕಡಮೆ ಮಾಡುವುದು ಸೂಕ್ತ. ಮುಖ್ಯವಾಗಿ ಫರ್‌ಫೀಟ್ ಮಾಡಬೇಕೆಂಬುದನ್ನು ಕೈಬಿಡುವುದು ಒಳ್ಳೆಯದು.

18ನೆಯ ಕ್ಲಾಜಿನ 5ನೆಯ ಸಬ್‌ಕ್ಲಾಜಿನಲ್ಲಿ ನಪ್ಲೂಸ್ ಹಣವನ್ನು ಪಡೆಯಲು 6 ತಿಂಗಳ ವರೆಗೆ ಅವಕಾಶ ಕೊಡಲಾಗಿದೆ. ಅದು ಸಾಲದು. ಕನಿಷ್ಟ ಪಕ್ಷ ಒಂದು ವರ್ಷವಾದರೂ ಅವಕಾಶ ಕೊಟ್ಟರೆ ಕಳೆದುಕೊಂಡವರು ಉಳಿದಿರುವ ಹಣವನ್ನು ವಾಪಸು ಪಡೆಯಲು ಅವಕಾಶವಾಗುತ್ತದೆ. ನಂಬಂಧಪಟ್ಟ ಪಂಚಾಯತಿ ಫರ್‌ಫೀಟ್ ಮಾಡಿಕೊಳ್ಳಲು ಹೆಚ್ಚು ಅವಕಾಶವಿರುವುದನ್ನು ಕಾರಾವಧಿ ಹೆಚ್ಚಿಸಿ ತಪ್ಪಿಸಬೇಕು.

ಇಷ್ಟು ಹೇಳಿ ಈ ಕೆಲವು ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಗಮನಿಸಿ ಸೂಕ್ತವಾಗಿರುವ ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡಿ ಈ ಬಿಲ್ಲನ್ನು ಜಾರಿಗೆ ತರಬಹುದು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯ ವರದಿಯನ್ನು ಅಂಗೀಕಾರ ಮಾಡಬಹುದು ಎಂದು ಹೇಳಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಕ್ತಾಯ ಮಾಡುತ್ತೇನೆ.

Mr. SPEAKER.—I suppose the Hon'ble Member Sri Anna Rao had in mind clause 3 of the Bill. It provides:

> "Subject to the general or special orders of the State Government, pounds shall be established at such places as the District Magistrate may, from time to time direct."

So, they are established.

Sri ANNARAO GANAMUKHI.—Establishment does not mean spending particular sum out of a particular fund. I will give one instance. Schools will be established throughout the State. Unless you provide funds, no school can be provided. By merely saying that pounds shall be established, I think it has no force whatsoever unless funds are created for that purpose either from general revenues or from the income which is derived from fines and other things.

Mr. SPEAKER.—I comprehend what the Member meant.

†ಶ್ರೀ ಕೆ. ಪಿ. ರೇವಣಸಿದ್ದಪ್ಪ.— (ತಿಪಟೂರು) ಈ ಬಿಲ್ಲನಲ್ಲಿ ಕೋಳಿ, ಕೋಣ ಮತ್ತು ಮುಳು ಹಂದಿಗಳಿಗೆ ಏನೂ ಅವಕಾಶ ಮಾಡಿಲ್ಲ. ಗಡಬ ಎಂದಿರುತ್ತದೆ, ಆದನ್ನೂ ಸಹ ಸೇರಿಸಿಲ್ಲ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಅವಕ್ಕೆ ಮಾಲೀಕರು ಯಾರೂ ಇಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಕೋಳಿಗಳಿಗೆ ಮಾಲೀಕರಿದ್ದಾರೆ, ಕೋಣ ಮತ್ತು ಇತರ ಮೃಗಗಳಿಗೆ ಮಂತ್ರಿಗಳೇ ಜವಾಬ್ದಾರರು, ಸಂರಕ್ಷಣಾ ಕಾನೂನು ಪ್ರಕಾರ ನಾನು ಹಾಗೆ ಹೇಳಬೇಕಾಗಿದೆ. ಹಿಂದೆ ರಾಜಮಹಾರಾಜರು ಮುಳ್ಳುಹಂದಿ ಮಾಂಸವಾದುವುಗಳ ಹಾವಳಿ ಹೆಚ್ಚಿದಾಗ ಅವುಗಳನ್ನು ಬೇಟೆಯಾಡುತ್ತಿದ್ದರು. ಆದರೆ ಈಗ ಅದಕ್ಕೆ ಬದಲಾಗಿ ಮಂತ್ರಿಗಳು ಟೂರ್ ಮಾಡುತ್ತಾರೆ. ಕೋಗಿರುವಾಗ ರೈತರಿಗಾಗುವ ಹಾನಿಯನ್ನು ತಪ್ಪಿಸಲು ಸರಿಯಾದ ಒಂದು ಕಾಯಿದೆಯನ್ನು ಮಾಡಲೇಬೇಕಾಗುತ್ತದೆ. ಫಾರೆಸ್ಟ್ ಇಲಾಖೆಯ

ಮಂತ್ರಿಗಳು ಯಾವ ರೀತಿಯಲ್ಲಾದರೂ ಹಿಂದಿ ಕಾಟವನ್ನು ತಪ್ಪಿಸಬೇಕು. ಹಿಂದೆ ರೆವೆನ್ಯೂ ಸಚಿವರು ಕೋತಿ ಹಾವಳಿ ತಪ್ಪಿಸಲು ಸಂತಾನ ನಿರೋಧವನ್ನು ಪಾರಿಗೆ ತಂದು ಕೋತಿಗಳ ಸಂಖ್ಯೆ ಕಡಮೆ ಮಾಡುವುದಾಗಿ ಹೇಳಿದ್ದರು. ಆದರೆ ಇದುವರೆಗೂ ಅವರು ಆ ರೀತಿ ಮಾಡಿಲ್ಲ.

ಹಳ್ಳಿಗಳಲ್ಲಿ ಪೂರ್ವದ ಪದ್ಧತಿಯ ಪ್ರಕಾರವಾಗಿ ದೇವರಿಗೆ ಬಸವಿ ಮತ್ತು ಬಸವ ಎಂದು ಬಿಡುತ್ತಾರೆ. ದನಕರುಗಳು ವಯಸ್ಸು ಪ್ರಾಣಿಗಳು ಕಾಯಿಲೆ ಬಿದ್ದಾಗ ಹರಕೆ ಹೊತ್ತು ಈ ರೀತಿಯಾಗಿ ಬಿಡುತ್ತಾರೆ. ಈ ವಿಷಯ ಮಾನ್ಯ ಮಂತ್ರಿಯವರಿಗೂ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ. ಇಂಥ ದನಗಳನ್ನು ದೊಡ್ಡಿಗೆ ಹಾಕಿದಾಗ ಯಾರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ ?

ದನಗಳನ್ನು ದೊಡ್ಡಿಗೆ ಹಾಕಿದಾಗ ಐದರಿಂದ ನೂರು ರೂಪಾಯಿಗಳವರೆಗೂ ಫೈನ್ ಹಾಕ ಬಹುದು ಎಂದು ಇದೆ. ಕೋತಿ, ಕೋಳಿ ಮುಂತಾದ ಪ್ರಾಣಿಗಳನ್ನು ವಾರಾಷ ಮಾಡಿದರೆ ಅಷ್ಟು ಬೆಲೆ ಬರುವುದೇ ಇಲ್ಲ. ಆದರೆ ಇಂಥ ಪ್ರಾಣಿಗಳಿಂದಲೂ ರೈತರಿಗೆ ಬಹಳ ಕಷ್ಟವಿದೆ.

ಕೆಲವು ರೋಗ ಬಂದಂಥ ಮತ್ತು ಕಾಲು ಮುರಿದ, ವಯಸ್ಸಾದ ದನಗಳಿರುತ್ತವೆ. ಅಂಥ ಪ್ರಾಣಿಗಳನ್ನು ದೊಡ್ಡಿಗೆ ಹಾಕಿದಾಗ ಅವುಗಳಿಗೆ ಯಾರೂ ಜವಾಬ್ದಾರರಾಗಿರುವುದಿಲ್ಲ. ಅಂಥ ಪ್ರಾಣಿಗಳನ್ನು ಎಲ್ಲಿಯಾದರೂ ಒಂದು ಪ್ರದೇಶದಲ್ಲಿ ಸಾಕುವುದಕ್ಕೆ ವ್ಯವಸ್ಥೆ ಮಾಡಿದರೆ ಅದರಿಂದ ಬೇಕಾದಷ್ಟು ಉತ್ಪಾದನೆಯನ್ನು ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಅದರಿಂದ ದೇಶಕ್ಕೂ ಉಪಯೋಗವಾಗುತ್ತದೆ.

ದೊಡ್ಡಿಯಲ್ಲಿ ಚಾರ ಖರ್ಚು ಎಂದು ತೆಗೆದ ಕೊಳ್ಳುತ್ತಾರೆ. ಅಲ್ಲಿ ಹುಲ್ಲು ಇರುವುದಿಲ್ಲ, ನೀರು ಇರುವುದಿಲ್ಲ, ವೈದ್ಯರು ಇರುವುದಿಲ್ಲ. ಆದರ ಮೇಲೆ ಸರ್ಕಾರದ ಹತೋಟಿ ಇರಬೇಕು. ತಿಳುವಳಿಕೆಯುಳ್ಳಂಥ, ಅನೇಕ ಪುಸ್ತಕಗಳನ್ನು ಓದಿರುವಂಥ ನಾವೇ ಟೆಸ್‌ಪಾಸ್ ಮಾಡತ್ತೇವೆ. ಪಿ.ಎಸ್.ಪಿ. ಯಿಂದ ಕಾಂಗ್ರೆಸ್ಸಿಗೆ ಮತ್ತು ಕಾಂಗ್ರೆಸ್ಸಿನಿಂದ ಪಿ. ಎಸ್. ಪಿ. ಗೆ ಹೋಗುತ್ತೇವೆ. ಇಂಥವರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳದ ಪ್ರಾಣಿಗಳ ಮೇಲೆ ಅತಿ ಕ್ರೂರವಾಗಿ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ (ನಗು).

† **Sri R. M. PATIL.**—Mr. Speaker Sir, it is really a great pleasure that most of the Members have taken part in the discussion of this Bill.

Mr. SPEAKER.—They have heartily participated !

Sri R. M. PATIL.—They have taken keen interest in studying the provisions of the Bill.

So far as clause 2 is concerned, some Hon'ble Members have suggested that certain types of animals may be included. One thing is certain that the definition says: "cattle includes...". Not merely means, but includes. Therefore, there is no necessity to include all varieties of animals that are mentioned by them, as the meaning of the word cattle is clear according to dictionary meaning.

Secondly, in respect of establishing pounds, so far as clause 3 is concerned, it is an answer to them. All that we say is for the establishment of certain institutions, necessary preliminaries and necessary accessories shall have to be considered. Under such circumstances, whether any amount is spent, how much is spent, in what way it should be spent—all these will be taken into consideration while establishing them. Government has got power to notify and at the same time the district magistrate will see to the establishment of pounds in whichever area he disires. So far as the mode and method of maintenance is concerned, this is a matter coming within the purview of rule-making and that is provided in clause 31.

Clause 4 is there to take care of control and feeding and water arrangements for cattle. I am sure this will meet all the apprehensions that have been expressed during the course of the debate.

(SRI R. M. PATIL)

Clause 13 is an important clause. Similar is clause 14. Clause 13, to make this clause applicable, it requires special circumstances and these circumstances will be considered by the Government and if the Government thinks that these circumstances exist in a certain particular area, then only, the steps enunciated in clause 13 will be applied.

As regards clause 14, this is a matter where discretion shall have to be placed according to circumstances also.

> "*Removal of cattle to specified places:* (1) If in any local area to which the State Government may, by notification in the official Gazette, apply this section, the Tahsildar, is satisfied—
>
> (1) that the grazing land set apart for the use of cattle of one or more villages in the taluk, under his jurisdiction is insufficient for the cattle belonging to the permanent residents of that village or villages; ... "

This is a special circumstance also.

Now coming to clause 15, ass and sheep are specially taken into consideration. In the case of ass the special circumstance is that it is considered as a sound break to the vehicles in the roads in town areas. Similar is the case with sheep. Under such circumstances, ass and sheep are considered in a special way as was mentioned. The owners of these animals have got less responsibility. If we consider facts, so far as the owners of ass is concerned, they do not care to maintain it. But at the same time, the owner makes use of that animal. It is very economical to mantain. Similar is the case with sheep. In order to alert them special time limit has been prescribed in respect of these two animals.

Some of the Members suggested that this Bill ought to have formed part of the Village panchayet Raj Bill. They forget, while suggesting this that this is a comprehensive Bill in respect of control of animals on public road and also in respect of properties such as lands with crops and the aspect of preventing any damage that may be caused by these animals. Therefore, this is a measure which is meant not only for villages, but it is meant for the entire residential areas of human habitation including towns and villages.

Sir, this is the reply that I can offer so far as the clauses are concerned. I request you to kindly take up the Bill clause by clause for consideration.

MR SPEAKER.—The question is :

> "That the Mysore Cattle Trespass Bill, 1965, as reported by the Select Committee be taken into consideration."

The motion was adopted.

CLAUSE 2

Mr. SPEAKER.—So far as clause 2 is concerned there is an amendment by Sri V. S. Patil. Is he moving it ?

Sri V. S. PATIL.—Sir, I beg to move :

"at page 9, in item (a), line 1, between the words "buffaloes" and "horses", the words "cows", "bullocks", "bulls" and "calves" shall be inserted."

Mr. SPEAKER.—Amendment moved :

"that at page 9, in item(a), line 1, between the words "buffaloes" and "horses", the words "cows, bullocks, bulls and calves" shall be inserted."

4-30 P. M.

† Sri V. S. PATIL.—Sir, the Hon'ble Minister incharge of this Bill has just now stated that the definition of cattle includes the others. So the subsequent items that are mentioned are not the only things which can be taken as cattle. I do accept that interpretation. But, I should like to say that amongst cattle, the majority comes from this particular class, *i. e.*, cows, bulls and bullocks and not the classes that have been enumerated here regarding other animals. So, why this majority class of cattle has been omitted is very difficult to understand. Perhaps in the Act of 1871, prepared by the British Government, they have not included these words with purpose. It appears that they wanted to respect the Hindu sentiments regarding cows and that was why they did not include cows in it specifically. Therefore, it is quite possible to interpret that we have not included cows, bulls and bullocks in the word cattle so far as this Act is concerned. Somebody will think about it and they will definitely plead that cows have been excluded from being mentioned here, because, it is sacred to the Hindus. Bulls are excluded because, they are also sacred—bull representing Nandi; and bullocks are excluded because they are representing the Congress party. So it is natural, Sir, that a Court may come to the conclusion that these three animals are excluded from the purview of this Act. It is likely that the damage caused by cattle trespass do come more from this particular class, but they have not been included. But if we include one or two words more and make the meaning specific and clear, it will be not in any way be harmful to the present Act. All legislation passed by any Assembly must be very specific as far as possible. Nothing should be kept vague. That is why I have moved this particular amendment in order to wipe out all possibilities of defeating the provisions of this Act or defeating the intention with which we are passing this Bill. I therefore feel that the Hon'ble Minister in charge of this Bill may accept my amendment.

Sri R. M. PATIL.—It is not necessary to accede to the request of Sri Patil. As I have suggested before, cattle means bulls, cows, etc. That is the definition in the dictionary. Therefore, it is not necessary to add any more words. This measure will become applicable both to the urban and rural areas, and the comprehensive sense of animals are taken into consideration. The different animals mentioned in clause (a) of clause 1 is included by way of inclusion only. That does not necessarily mean that the other animals, which the Hon'ble Member has mentioned are excluded from this category. Therefore, I do not accept the amendment that Sri Patil has suggested.

Mr. SPEAKER.—Expression cattle always carry the import and includes animals like cows, etc.

Sri V. S. PATIL.—If the definition given in the dictioneary is to be taken, then it was not necessary for us to have defined it here. The word 'includes' is there. It may include some other category. But why should we keep it vague. I am therefore pressing my amendment.

Mr. SPEAKER.—The question is:

"That at page 9, in item (a), line 1, between the words "buffaloes" and "horses" the words "cows, bullocks, bulls and calves," shall be inserted."

The amendment was negatived.

Mr. SPEAKER.—I will put clause 2 to the House. The question is: "That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

CLAUSE 3

† Sri V. S. PATIL.—Clause 3 refers to the establishment of pounds. Here, there is no specific authority or duty imposed upon any particular body to construct and maintain these cattle pounds. But under the Bombay Act, *i.e.*, Bombay Village Panchayat Act, 1933, sub-clause (c) of section 28, definite power is given to the Panchayat to manage and maintain cattle pounds. Here under the Bombay Act, a specific duty is imposed upon the village panchayats for maintaining and running these cattle pounds. Such a provision does not exist in our Panchayat Act. So far as the Mysore Panchayat Act is concerned, there is no provision corresponding to this one. In the present section, there is no mention as to who has to construct them, keep them, repair them and keep them in good condition. What is mentioned here is "the District Magistrate shall determine, by notification for each pound establish, the village or area or villages or areas which are entitled to use such pound." He will simply determine the jurisdiction of a particular pound. But, what about construction, repair and looking after of these buildings

and their upkeep. There is nothing mentioned about this in this Act. My submission is that such a thing cannot be taken away or given under clause 31, *i.e.*, power to make rules.

Power to make rules are always given only for administrative purposes and not for creating rights or creating duties or liabilities. So I feel, even now, Government may think over this matter of imposing the duty upon a particular body. Let it be taken over by Government; we do not mind; but the duty must be imposed on somebody—the District Magistrate or the Taluk Development Boards. That is the lacuna in this clause and I submit that Government may try to improve upon the present wording and through the burden upon the Village Panchayats.

SRI R. M. PATIL.—Sir, the word 'establishment' contains maintenance also. So far as 'establishment' is concerned, the State Government may appoint the District Magistrate from time to time directly. Under the circumstances, there is no necessity to specify the point so much. They are all matters of details and for such things, clause 31 can be invoked.

MR. SPEAKER.—The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

CLAUSES 4, 5 and 6.

MR. SPEAKER.—The question is:

"That clause 4 to 6 both including stand part of the Bill."

The motion was adopted.

Clauses 4 to 6 both inclusive were added to the Bill.

CLAUSE 7.

† SRI V. S. PATIL.—Sir, I will move the amendment with some change. "That at page 11, in clause 7, line 2 and 3, for the words "Any member of the Watch and Ward Staff," the words "the Secretary or other servant," shall be substituted.

MR. SPEAKER.—Amendment moved:

"That in clause 7 at page 11, in sub-clause (1) between 2 and 3, for the words "any member of the Watch and Ward Staff", the words "Secretary or other servants" shall be substituted."

They are minor verbal changes which may be at variance with the amendments circulated. Being a verbal change, I have permitted it to be moved. The Member may move amendment 3 also.

Sri V. S. PATIL.—Sir, I beg to move :

"That at page 12, item 3 of sub-clause (2), line 4, for the word "and", the word "or" shall be substituted."

Mr. SPEAKER.—Amendment moved :

"That at page 12, item (iii) of sub-clause (2), line 4, for the word "and" the word "or" shall be substituted."

Both the amendments are open for discussion.

Sri V. S. PATIL.—So far as the first amendment is concerned, I have asked for the change of the wording "any member of the Watch and Ward Staff." I do not know from where the Hon'ble Minister has borrowed these words.

Sri R. M. PATIL.—Not necessary to borrow; they are available. (laughter).

† Sri V. S. PATIL.—These words are there in the Bombay Village Panchayat Act. But, there is no such wording in the Mysore Village Panchayat Act. We are now governed by the Mysore Village Panchayat Act, and not by the Bombay Village Panchayat Act. I wanted this to be changed so that it may be in conformity with the present Act of Mysore. Borrowing these words from the Bombay Act would not be suitable to our conditions and the working of the Village Panchayat Act in Mysore. It may create confusion at the time of implementation of this Act. That is why, I have suggested this amendment.

The second amendment to sub-clause (2) which reads thus :

(2) (i) "The cultivator or occupier of any land, or

(ii) any person who has advanced money for the cultivation of the crop or produce of any land, or

(iii) the vendee or mortgagee of the crop or produce of any land or of any part of such crop or produce,

may seize or cause to be seized any cattle trespassing on such land and doing damage there to or to any crop or produce thereon".

Sir, mere trespass is sufficient for impounding the cattle in the cattle pound. It is not necessary that it must cause damage also. As suggested by the Hon'ble Minister, the stray cattle may commit so much mischief even on the road. So, there is no damage. Similarly, if the word "and" is retained, there are two things. First, there must be trespass and secondly, there must be damage. Unless these two things are done, the cattle cannot be taken to the pound at all. It would be very difficult for the person impounding these cattle to prove to actual damage caused either to the land or the crop and if it is not proved. then the seizure would be illegal and it will come within the mischief of Chapter V and he is liable to be prosecuted. So, mere trespass is quite sufficient and I have suggested this amendment.

Mr. SPEAKER.—Before I call upon the Minister, I would like to say that two hours allotted for this Bill are over. I extend the time by half an hour.

Sri ANNARAO GANAMUKHI.—Sir, I support the amendment. As far as its wording is concerned, it is said :

".....any cattle trespassing on any land in a village and doing damage....."

To impound cattle, simply trespass is not enough but damage has to be done, whether the extent is small or big. If a person has to impound the cattle, the owner instead of scaring the animal away, has to see that some damage is done and then take the cattle to pound. Therefore this wording is not at all happy. Therefore there is no use of having provisions of this nature.

Sri R. S. HEGDE (Honnavar).—Supposing there is no crop, is it an offence for the cattle to go ?

Sri R. M. PATIL.—My friends do not know the conditions in the village. The point is this. In village when there are crops, the neighbouring landholders leave their cattle with covered faces so that they may not damage the crops even though the cattle trespass fields. Under those circumstances we cannot seize. So, only when some damage is done, they can seize the cattle. This clause has been drafted after taking into consideration all these circumstances and in order to avoid any possible harassment to the *bona fide* agriculturists.

Mr. SPEAKER.—When a cattle trespasses, two things are open. One is to drive away before any damage is done.

Sri G. ANNARAO GANAMUKHI.—It means he is free to leave the animal astray and the owner is expected to be vigilant. If it appeals to you, then I have nothing to say.

Mr. SPEAKER.—The argument raised was that if the cattle comes, should that person wait for impounding till damage is done. If no damage occurs, he cannot impound. Certainly when the person is present, he can prevent any damage being done. If damage is done, you have the right to impound or drive away the cattle.

Sri R. M. PATIL.—As regards the next amendment, the Secretary of the village panchayat is not expected to go and seize the cattle. There is a special staff meant for it and that is styled as watch and ward.

Sri V. S. PATIL.—Unless there is provision in the Act for appointing watch and ward staff, how can they be appointed ?

Mr. SPEAKER.—Every inch of the railway line is guarded. Is it provided in the main Act ?

Sri R. M. PATIL.—There is nothing new. So far as this clause is concerned there should be somebody to guard the crops and seize the cattle which trespasses and damages. So, there is no need for the amendment.

Mr. SPEAKER.—Does the Hon'ble member wish to withdraw his amendment ?

Sri V. S. PATIL.—I press the amendments.

Mr. SPEAKER.—The question is :

"That in clause 7 at page 11, in sub-clause (1), lines 2 and 3 for the words "watch and ward" the words "the Secretary or other servant" shall be substituted".

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That at page 12 in item (iii) of sub-clause (2) line 4, for the word "and" the word "or" shall be substituted.

The amendment was negatived.

Mr. SPEAKER.—The question is :

That clause 7 stand part of the Bill.

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8 to 14

Mr. SPEAKER.—The question is :

"That clauses 8 to 14, both inclusive, stand part of the Bill".

The motion was adopted.

Clauses 8 to 14, both inclusive, were added to the Bill.

Clause 15

Sri V. S. PATIL.—I move :

"That at page 15, in sub-clause (3) in line 2, after the words "in the case of asses" the words "or sheep" shall be added".

Mr. SPEAKER.—Amendment moved :

"That at page 15, in sub-clause (3) in line 2, after the words "in the case of asses" the words "or sheep" shall be added".

Sri V. S. PATIL.—This is a clear omission on the part of persons who have drafted the Bill. The reference to first sub-clause says :

"Provided that in the case of asses or sheep the claim shall be made within three days from the date of their impounding". In sub-clause (3) it is said :

"If the cattle be not claimed within seven days, or within three days in the case of asses, from the date....."

What should happen to sheep? So, my submission is that this report is drafted hurriedly or I do not know whether the Government wants to keep such loopholes in the Act.

Sri R. M. PATIL.—I accept the amendment.

Mr. SPEAKER.—The question is:

"That in sub-clause (3) in line 2 after the words "in the case of asses" the words "or sheep" shall be added.

The amendment was adopted.

5 P.M.

Mr. SPEAKER.—The question is:

"That clause 15, as amended, stand part of the Bill".

The motion was adopted

Clause 15, as amended, was added to the Bill.

CLAUSE 16

Sri V. S. PATIL.—Sir, I beg to move:

"That at page 16, in sub-clause (1) in line 6, for the figure "18", the figure "20" shall be substituted".

Mr. SPEAKER.—Amendment moved:

"That at page 16 in sub-clause (1) in line 6, for the figure "18" the figure "20" shall be substituted".

Sri R. M. PATIL.—I accept that amendment.

Mr. SPEAKER.—The question is:

"That at page 16, in sub-clause (1) in line 6, in the figure "18" the figure "20" shall be substituted".

The amendment was adopted.

Mr. SPEAKER.—The question is:

"That clause 16, as amended, stand part of the Bill".

The motion was adopted.

Clause 16, as amended, was added to the Bill.

CLAUSE 17

Mr. SPEAKER.—The question is :

"That clause 17 stand part of the Bill".

The motion was adopted.

Clause 17 was added to the Bill.

CLAUSE 18

Sri V. S. PATIL.—Sir, the wording of sub-clause (2) must be wrong.

Mr. SPEAKER.—If there is no amendment either by the Government or by any member, I cannot possibly help it.

†**Sri V. S. PATIL.**—I seek your permission to explain the situation. Here, the wording in sub-clause (2) is obviously wrong. It must be some other section : it cannot be clause 18 under any circumstances. Either it is wrongly printed or it was not brought to the notice of the Hon'ble Members of the Select Committee so as to correct it at the proper time. It must be sub-section (2) of section 17.

Sri R. M. PATIL.—I stand corrected.

Mr. SPEAKER.—I change the wording 'sub-section (2) of section 18' into 'sub-section (2) of section 17'.

The question is :

"That clause 18, as corrected stand part of the Bill".

The motion was adopted.

Clause 18, as corrected, was added to the Bill.

CLAUSE 19

Mr. SPEAKER.—The question is :

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

CLAUSE 20.

Sri V. S. PATIL.—Sir, I beg to move :

"That at page 18, line 5, for the words "magistrate authorised" the words "judicial Magistrate having jurisdiction" shall be substituted."

Mr. SPEAKER.—Amendment moved :

"That at page 18, line 5, for the words "magistrate authorised" the word "judicial Magistrate having jurisdiction" shall be substituted."

†Sri V. S. PATIL.—Sir, we have recently passed an Act by which the separation of the judiciary and the executive has come into force and under that Act we have divided the Magistracy into two parts—Executive Magistrates and Judicial Magistrates. The Executive Magistrates are concerned only with maintenance of law and order while the Judicial Magistrates are concerned with crimes. Here, the wording "the Magistrate authorised to receive and try charges" is too vague. It may include either an Executive Magistrate or a Judicial Magistrate. Even in the case of Executive Magistrates, the police send charge sheets against persons who are involved in chapter cases for keeping peace, etc. Those Magistrates trying the case take evidence and then give judgment.

Mr. SPEAKER.—The person who is to complain is a private person and the word used is "complaint". I do not think chapter proceedings will cover this.

Sri V. S. PATIL.—In chapter cases regular complaint is filed by the police.

Mr. SPEAKER.—Here what is stated is "any person whose cattle has been seized....."

Sri V. S. PATIL.—My submission is that in every mofussil court all the lawyers and persons are not so efficient as your Honour is.

Mr. SPEAKER.—But as efficient as the hon'ble member is.

Sri V. S. PATIL.—No. In order to avoid a misreading of the clause that we pass it is better to mention clearly Judicial Magistrate. That is why I have moved this amendment in order to make it more specific, more simple and more understandable to the people in the mofussil.

Sri R. M. PATIL.—In this matter 'Magistrate' means 'Judicial Magistrate' and it is not necessary to make an emphasis. So far as these cases are concerned it is only a Judicial Magistrate who can try and no other Magistrate.

Mr. SPEAKER.—The question is :

"That at page 18, line 5 for the words "magistrate authorised" the words "judicial magistrate having jurisdiction" shall be substituted.

The amendment was negatived.

Mr. SPEAKER.—The question is :

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

CLAUSES 22 TO 24

Mr. SPEAKER.—The question is:

"That clauses 21 to 24, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 21 to 24, both inclusive, were added to the Bill.

CLAUSE 25.

Sri V. S. PATIL.—I beg to move:

"That at page 19, in sub-clause (1) in line 4, between the words 'public road' and 'by allowing' the words 'and other properties mentioned in section 8' shall be inserted."

"That at page 20 in sub-clause (5) for the words "this section" the words "section 24 and section 25" shall be substitiuted."

Mr. SPEAKER.—Amendment moved:

"That at page 19, in sub-clause (1) in line 4, between the words "public road" and "by allowing" the words "and other properties mentioned in section 8" shall be inserted."

"That at page 20, in sub-clause (5) for the words "this section" the words "section 24 and section 25" shall be substituted."

†Sri V. S. PATIL.—Clause 8 refers to cattle damaging public roads, canals, embankments. It says:

"Whenever any cattle are found straying on or doing damage to public roads, parks, pleasure grounds, orchards, plantations, canals, drainage works, embankments, or the sides or slopes of such roads" etc.

It is with reference to the damage caused to these things that the penalty has been described under clause 25. But this clause provides for penalties for damage caused to "land or any crop or produce of land, or any public road" and it does not provide for penalties to the damage caused to the other items mentioned in cluse 8 like orchards, pleasure grounds, plantations, canals, drainage works, embankments, etc. These things are not mentioned in this clause. If damage is done to these things which have not been mentioned in this clause, then the owner or keeper of the cattle will not be held liable for damages. This appears to be a patent lacuna in the drafting. I do not know why these things have been excluded. I do not know the reason for making a distinction between a public road and these things. If cattle caused damage to any road, then the owner of the cattle is made punishable, but if the cattle cause damage to parks, orchards, etc., the owner is not made punishable for that. Why has this distinction been made? I submit this is clearly a

mistake on the part of either the Draftsman or the Select Committee. Possibly, the Select Committee might have been in a hurry to finish their work and that is why they have not inserted these words. In order to make this provision more clear, specific and effective, it is quite essential that these items are included in this clause.

Then as regards my second amendment sub-clause (5) of clause 25 has been made cognizable. So I ask why not the offence under clause 24 also. Forcibly opposing the seizure of cattle or rescuing the same is a clear violence and that is more heinous offence that what is contained in clause 25. So I submit if the offence under clause 25 could be made cognizable then necessarily the offence under clause 24 also should be made cognizable. That is why I have moved this amendment.

Sri R. M. PATIL.—Both the amendments are accepted.

Mr. SPEAKER.—The question is :

"That at page 19, in sub-clause (1) in line 4, between the words 'public road' and 'by allowing' the words 'and other properties mentioned in section 8' shall be inserted."

"That at page 20, in sub-clause (5), for the words "this section" the words "section 24 and section 25" shall be substituted."

The amendments were adopted.

Mr. SPEAKER.—The question is :

"That Clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

CLAUSES 26 TO 33.

Mr. SPEAKER.—The question is :

"That Clauses 26 to 33, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 26 to 33, both inclusive, were added to the Bill.

CLAUSE 1, THE TITLE AND THE PREAMBLE.

Mr. SPEAKER.—The question is :

"That Clause 1, the Title and the Preamble, stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Sri R. M. PATIL.—Sir, I beg to move :

"That the Mysore Cattle Trespass Bill, 1965, as reported by the Joint Select Committee and as amended, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Cattle Trespass Bill, 1965, as reported by the Joint Select Committee and as amended be passed."

The motion was adopted.

Mysore Agricultural Debtors Relief Bill, 1965, as reported by the Joint Select Committee—*Motion to consider.*

Sri K. PUTTASWAMY (Minister for Co-operation and Housing Administration).—Sir, I move :—

" That the Mysore Agricultural Debtors Relief Bill, 1965 as reported by the Joint Select Committee be taken into consideration."

Mr. SPEAKER.—Motion moved :

" That the Mysore Agricultural Debtors Relief Bill, 1965 as reported by the Joint Select Committee be taken into consideration."

† Sri K. PUTTASWAMY.—Sir, this is an attempt to have uniform legislation on this subject. It will replace the several enactments that are now in force in the several regions of the State. The Joint Select Committee has not made many changes; they have improved the Bill by making only a few changes. Subsequent to the referring of the Bill to the Joint Select Committee some legislations have been passed by this House and they have come into force, *viz.*, the Mysore Civil Courts Act, 1964 and the Mysore Land Revenue Act, 1964, and the Mysore Land Reforms Act has also been brought into force. Before the Bill was referred to the Joint Select Committee, several Acts (which these Acts have replaced), had been mentioned and now that this Act has come into force, reference to these repealed enactments has been omitted and the Joint Select Committee has taken into consideration the changes that have been made and have made proper suggestions.

Sir, in item (5) of Clause 2, in the original Bill the date was taken as 30 years before 30th January 1940, which would take us to 30th January 1910. The Joint Select Committee has changed the date to 30th January 1960, which means it would take us only to 30th January 1930. This would facilitate the debtors to get relief that this Act confers on them.